# kant nc

## 1nc

### 1nc long

#### **There must be a right to set ends, otherwise ethics is incoherent since it assumes subjects deliberate between multiple possible courses of action. However, to prevent this right from becoming contingent, we must have a conception of property.**

Buck ’87 (Wayne, Yale, "Kant's Justification of Private Property." In New Essays on Kant. Ed. den Ouden, 227-244.) OS

(1) Because human beings have the right to pursue their ends (i.e. they have the right to external freedom) they have a right to act in those ways necessary for achieving any ends at all. When we act to attain some end, in many cases our action involves manipulating or transforming some material object. When I eat an apple, I use the object for sustenance. When I paint, I use a brush and oils to transform a piece of canvas. Manipulation of objects is thus one of the means necessary to achieving ends in general. Hence the right to use external things is a necessary condition of the right to external freedom. As Kant puts it, if reason were to forbid the use of physical objects, external freedom would come into contradiction with itself, or "freedom would be robbing itself of the use of its Willkur" (MEJ, 52 [354]). Simply put, external freedom would in effect be forbidden by reason and morally impossible. (2) So far Kant has established the inherent right to use external objects. But this is not yet to establish the Juridical Postulate, which claims that individuals have the inherent right to own things. Kant makes this second step from the right to use things to owning them by means of an analysis of the concept of "possession." The 'subjective' condition of the possibility of actually manipulating a thing is physical possession. I am not able to use an axe unless I have it in hand, and I am not able to build a cabin unless I am standing on the spot where it is to be. These kinds of possession Kant usually calls "empirischer Besitz" and "Inhabung." I will call them "custody." Possession in this sense, then, is the subjective condition of the possibility of actually using a thing. "Possession," however, cannot just mean custody. Suppose that my right to the use of a thing lasted only as long as no one prevented me from using it as I desired. Thus if someone wrests the thing from my control to use as she pleases, my right to use it would end. But losing the right to an object merely because another grabbed it from me is precisely the situation in which I did not have a right to use it in the first place. Therefore, my having a right to the use of a thing presupposes that I can justifiably complain if anyone interferes with my using it as I please, and that I am justified in preventing anyone who tries to do so. If I have rights to something there must be some circumstances in which I retain those rights even though I have lost custody of the object (MEJ, 5 4 [356]). Custody is neither necessary nor sufficient for possession in this sense. So "possession" must have a second meaning, distinct from custody, if having rights to things is to be possible. This sort of possession must be a relation between an individual and a thing that obtains independently of their spatial relations. Since "possession" in this sense cannot denote a sensible relation between persons and things, Kant calls it "intelligibler Besitz." When there is such a relation between me and some object, I have "authority" (Gewalt) over the object regardless of whether I have custody (MEJ, 61-6 4 [362-365]). Let us call this intelligible or 'noumenal' relation "ownership."

#### **Next, property requires the existence of the general will—rights in the state of nature are provisional, and disputes could only be resolved through unilateral coercion. That means the state is legitimate in coercively enforcing rights claims.**

Korsgaard ’08 (Christine, “Taking the Law into Our Own Hands: Kant on the Right to Revolution,” in The Constitution of Agency: Essays on Practical Reason and Moral Psychology) OS bracketed for gender

Kant also believes that there is a sense in which we have rights in the state of nature. We have a natural right to our freedom (MPJ 6:237), and, Kant thinks, the Universal Principle of Justice allows us to claim rights in land and, more generally, in external objects, in property. Kant argues that it would be inconsistent with freedom to deny the possibility of property rights, on the grounds that unless we can claim rights to objects, those objects cannot be used (MPJ 6:246).7 This would be a restriction on freedom not based in freedom itself, which we should therefore reject, and this leads us to postulate that objects may be owned. But unlike Locke, Kant argues that in the state of nature these rights are only “provisional” (MPJ 6:256). In this, Kant is partly following Rousseau. In contrast to Locke, Rousseau argues that rights are created by the social contract, and, in a sense, relative to it. My possessions become my property, so far as you and I are concerned, when you and I have given each other certain reciprocal guarantees: I will keep my hands off your possessions if you will keep your hands off mine.8 Rights are not acquired by the metaphysical act of mixing one's labor with the land, but instead are constructed from the human relations among people who have made such agreements.9 Kant adopts this idea, at least as far as the executive authority (p.239) associated with a property right is concerned. I may indeed coercively enforce my rights. But if my doing so is to be consistent with the Universal Principle of Justice, it cannot be an act of unilateral coercion. To claim a right to a piece of property is to make a kind of law; for it is to lay it down that all others must refrain from using the object or land in question without my permission. But to view my claim as a law I must view it as the object of a contract between us, a contract in which we reciprocally commit ourselves to guaranteeing each other's rights. It is this fact that leads us to enter—or, more precisely, to view ourselves as already having entered—political society. In making this argument, Kant evokes Rousseau's concept of the general will. He argues that a general will to the coercive enforcement of the rights of all concerned is implicitly involved in every property claim. Now, with respect to an external and contingent possession, a unilateral Will cannot serve as a coercive law for everyone, since that would be a violation of freedom in accordance with universal laws. Therefore, only a Will binding everyone else—that is, a collective, universal (common), and powerful Will—is the kind of Will that can provide the guarantee required. The condition of being subject to general external (that is, public) legislation that is backed by power is the civil society. Accordingly, a thing can be externally yours or mine [that is, can be property] only in a civil society. (MPJ 6:256) It is because the idea of the general will to the reciprocal enforcement of rights is implicit in any claim of right that Kant argues that rights in the state of nature are only provisional. They are provisional because this general will has not yet been instituted by setting up a common authority to enforce everyone's rights. The act that institutes the general will is the social contract. Kant concludes from this argument that when the time comes to enforce your rights coercively, in the state of nature, the only legitimate way to do that is by joining in political society with those with whom you are in dispute. In fact, you enforce your right by first forcing them to join in political society with you so that the dispute can be settled by reciprocal rather than unilateral coercion: If it must be de jure possible to have an external object as one's own, then the subject must also be allowed to compel everyone else with whom he comes into conflict over the question of whether such an object is [theirs] to enter, together with [them], a society under a civil constitution. (MPJ 6:256) Suppose we are in the state of nature and we get into a dispute about rights. My goat has kids, and I take them to be mine because I was caring for the (p.240) mother goat when they were born. However, one of them escaped, and you found it wandering around apparently unowned in the state of nature, took possession of it, fed it and cared for it for many years. Now we have discovered the matter, and each of us thinks she has a right to this particular goat. Since I think I have a right, I also think I may prosecute my right by coercive action. And you think the same. So what can we do? Perhaps I have a gun and you do not, so I can simply take the goat away from you. However, there are two ways to understand my action. One is: I am using unilateral force to take the goat away from you. Such an action would be illegitimate, a use of violence which interferes with your freedom. I cannot regard my action as an enforcement of my right without acknowledging that you have rights too, which also must be enforced. So if I am to claim that what I am doing is enforcing my right, I must understand my own action differently. The other way to understand the action is that I am forcing you to enter into political society with me. That gets us to the first step; the act of enforcing my right involves the establishment of a juridical condition (rechtlicher Zustand) between us and so establishes civil society. The second step, of course, is to settle the particular dispute in question in some lawful way.

#### **This means restrictions can never be bad—the state is the omnilateral will so it can’t coerce anyone.**

#### **The actor is the state—public colleges and universities are founded and operated by the state.**

Collegebound writes “Differences Between Public and Private Universities and Liberal Arts Colleges” http://www.collegebound.net/content/article/differences-between-public-and-private-universities-and-liberal-arts-colleges/18529/

In the US, most public institutions are state universities founded and operated by state governments. Every state has at least one public university. This is partially due to the 1862 Morrill Land-Grant Acts, which gave each eligible state 30,000 acres of federal land to sell to finance public institutions offering study for practical fields in addition to the liberal arts. Many public universities began as teacher training schools and eventually were expanded into comprehensive universities.

#### Thus, the standard is maintaining a system of equal outer freedom.

#### Contention:

#### Counterplan text: Public colleges and universities in the United States ought to restrict hate speech and sedition.

#### [1] The state should regulate hate speech to promote equal freedom.

Varden 10 [Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech>] AG

On the Kantian view I have been developing, hate speech and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they track the state’s historical and current inability to provide some group(s) of citizens with rightful conditions of interaction. This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed, and thus vulnerable, are secured, then it is within its rightful powers to legally regulate speech and harassment to improve its ability to do so. By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal. Therefore, whether or not any instance of speech actually achieves insult is inconsequential, for that is not the justification for the state’s right to outlaw it. Rather, laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why certain kinds and circumstances of speech and harassment can and should be outlawed and why public law, rather than private law, is the proper means for doing so. Determining which types and how it should be banned is matter for public debate and reflection followed by public regulation on behalf of all citizens.

#### Hate speech is constitutionally protected.

Volokh 15 (Eugene, reporter @ the Washington Post, “No, there’s no “hate speech” exception to the First Amendment,” May 7, 2015, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.779cdacd2341/> //[LADI](http://www.theladi.org/evidence))

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s Tweet that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.) The same is true of the other narrow exceptions, such as for true threats of illegal conduct or incitement intended to and likely to produce imminent illegal conduct (i.e., illegal conduct in the next few hours or maybe days, as opposed to some illegal conduct some time in the future). Indeed, threatening to kill someone because he’s black (or white), or intentionally inciting someone to a likely and immediate attack on someone because he’s Muslim (or Christian or Jewish), can be made a crime. But this isn’t because it’s “hate speech”; it’s because it’s illegal to make true threats and incite imminent crimes against anyone and for any reason, for instance because they are police officers or capitalists or just someone who is sleeping with the speaker’s ex-girlfriend. The Supreme Court did, in Beauharnais v. Illinois (1952), uphold a “group libel” law that outlawed statements that expose racial or religious groups to contempt or hatred, unless the speaker could show that the statements were true, and were said with “good motives” and for “justifiable ends.” But this too was treated by the Court as just a special case of a broader First Amendment exception — the one for libel generally. And Beauharnais is widely understood to no longer be good law, given the Court’s restrictions on the libel exception. See New York Times Co. v. Sullivan (1964) (rejecting the view that libel is categorically unprotected, and holding that the libel exception requires a showing that the libelous accusations be “of and concerning” a particular person); Garrison v. Louisiana (1964) (generally rejecting the view that a defense of truth can be limited to speech that is said for “good motives” and for “justifiable ends”); Philadelphia Newspapers, Inc. v. Hepps (1986) (generally rejecting the view that the burden of proving truth can be placed on the defendant); R.A.V. v. City of St. Paul (1992) (holding that singling bigoted speech is unconstitutional, even when that speech fits within a First Amendment exception); Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204, 523 F.3d 668, 672 (7th Cir. 2008) (concluding that Beauharnais is no longer good law); Dworkin v. Hustler Magazine Inc., 867 F.2d 1188, 1200 (9th Cir. 1989) (likewise); Am. Booksellers Ass’n, Inc. v. Hudnut, 771 F.2d 323, 331 n.3 (7th Cir. 1985) (likewise); Collin v. Smith, 578 F.2d 1197, 1205 (7th Cir. 1978) (likewise); Tollett v. United States, 485 F.2d 1087, 1094 n.14 (8th Cir. 1973) (likewise); Erwin Chemerinsky, Constitutional Law: Principles and Policies 1043-45 (4th ed. 2011); Laurence Tribe, Constitutional Law, §12-17, at 926; Toni M. Massaro, Equality and Freedom of Expression: The Hate Speech Dilemma, 32 Wm. & Mary L. Rev. 211, 219 (1991); Robert C. Post, Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment, 76 Calif. L. Rev. 297, 330-31 (1988).

#### [2] Seditious speech amounts to having a right to end the omnilateral will, which makes freedom impossible.

Varden 10 [Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech>] AG

To understand Kant’s condemnation of seditious speech, remember that Kant, as mentioned above, takes himself to have shown that justice is impossible in the state of nature or that there is no natural executive right. Since Kant considers himself to have successfully refuted any defense of the natural executive right, he takes himself also to have shown that no one has the right to stay in the state of nature. This, in turn, explains why Kant can and does consider seditious speech a public crime. The intention behind seditious speech is not merely to criticize the government or to discuss theories of government critically, say. In order to qualify as seditious, the speaker’s intention must be to encourage and support efforts to subvert the government or to instigate its violent overthrow, namely revolution. To have such a right would be to have the right to destroy the state. Since the state is the means through which right is possible, such a right would involve having the right to annihilate right (6: 320). That is, since right is impossible in the state of nature, to have a right to subversion would be to have the right to replace right with might. Since the state is the only means through which right can replace might, the state outlaws it. And since it is a crime that “endanger[s] the commonwealth” rather than citizens qua private citizens, it is a public crime (6: 331)

#### Seditious speech is constitutionally protected.

Justia n.d. [Justia, “Seditious Speech and Seditious Libel”, <http://law.justia.com/constitution/us/amendment-01/41-seditious-speech.html>] AG

Seditious Speech and Seditious Libel.—Opposition to government through speech alone has been subject to punishment throughout much of history under laws proscribing “seditious” utterances. In this country, the Sedition Act of 1798 made criminal, inter alia, malicious writings which defamed, brought into contempt or disrepute, or excited the hatred of the people against the Government, the President, or the Congress, or which stirred people to sedition.966 In New York Times Co. v. Sullivan,967 the Court surveyed the controversy surrounding the enactment and enforcement of the Sedition Act and concluded that debate “first crystallized a national awareness of the central meaning of the First Amendment.... Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history .... [That history] reflect[s] a broad consensus that the Act, because of the restraint it imposed upon criticism of government and public officials, was inconsistent with the First Amendment.” The “central meaning” discerned by the Court, quoting Madison’s comment that in a republican government “the censorial power is in the people over the Government, and not in the Government over the people,” is that “[t]he right of free public discussion of the stewardship of public officials was thus, in Madison’s view, a fundamental principle of the American form of government.

## fw

### at: labor + land

#### **Extend Kant—property must be determined a priori. The labor theory of property renders property rights contingent on physical actions, which could not be the case if we are to have an unconditional right to property as a function of our right to end-setting.**

#### Multiple problems with this theory.

Nozick (Robert, “Difficulties in Mixing Labor,” in *Political Thought* by Michael Rosen and Jonathan Wolff) OS

Why does mixing one’s labor with something make one the owner of it? Perhaps because one owns one's labor, and so one comes to own a previously unowned thing that becomes permeated with what one owns. Ownership seeps over into the rest. But why isn't mixing what I own with what I don't own a way of losing what I own rather than a way of gaining what I don't? If I own a can of tomato juice and spill it in the sea so that its molecules (made radioactive, so I can check this) mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice? Perhaps the idea, instead, is that laboring on something improves it and makes it more valuable; and anyone is entitled to own a thing whose value he has created. (Reinforcing this, perhaps, is the view that laboring is unpleasant. If some people made things effortlessly, as the cartoon characters in The Yellow Submarine trail flowers in their wake, would they have lesser claim to their own products whose making didn't cost them anything?) Ignore the fact that laboring on something may make it less valuable (spraying pink enamel paint on a piece of driftwood that you have found). Why should one's entitlement extend to the whole object rather than just to the added value one's labor has produced? (Such reference to value might also serve to delimit the extent of ownership; for example, substitute 'increases the value of’ for 'decreases entropy in' in the above entropy criterion.) No workable or coherent value-added property scheme has yet been devised, and any such scheme presumably would fall to objections (similar to those) that fell the theory of Henry George.

#### Labor theory of property can’t adjudicate conflicting rights claims since multiple people could apply labor to an object so neither could have an unconditional right to use it.

### not moral phil

#### [1] Framework is completely different from Kant’s moral phil

Korsgaard 02 Christine [“Christine M. Korsgaard: Internalism  nd the Sources of Normativity” Interview with Herlinde Pauer-Studer. Stanford university Press 2002. www.people.fas.harvard.edu/.../CPR.CMK.Interview.pdf]

I do agree with Kant’s partition between The Doctrine of Virtue and The Doctrine of Right. To explain why I’d like to go back to the ideas we were discussing at first about seeing philosophy as solving problems. You could see The Doctrine of Virtue, or ethics, and The Doctrine of Right, or politics, as being addressed to two different problems. The problem of ethics is how we are to act given that we have free wills and therefore must choose our own principles of action; the problem of politics is how we can be free in a world in which we interact with others. Kant sees these two problems as aris[e]ing from two different domains of freedom: inner freedom of the will and outer freedom or liberty of action. The need to find principles that express your inner freedom is the problem addressed in the doctrine of virtue; the need to coordinate everybody’s outer freedom in a way that maintains that freedom is the problem addressed in the doctrine of right. These two problems exist side by side, and have related but different solutions. Although the two domains need to be systematically related, neither of them has to be dependent on or be a branch of the other. I think there is one way in which The Doctrine of Right does not cover everything we want to say about political life. We want to say something not only about the laws that formally govern our relations but about the kind of community that a political unit forms. But I think there is room for this in a Kantian account. I see Kant as deeply indebted to Rousseau in his political philosophy and also in his account of personal relationships. And I see this indebtedness to Rousseau as related to what I said a moment ago about the possible role of the idea of the plural subject in Kant’s philosophy. A state is a kind of plural subject: the idea of the general will, which Kant borrows from Rousseau, is the idea of a shared will among a number of people. In Kant’s account of personal relations we also find an emphasis on the idea of forming a shared will with someone, of having a bond of love or friendship. One way to look at it is this— morality involves the will we share with anyone just in virtue of our common human nature; politics involves the will we share with those with whom we live together on a shared territory; and personal relations involve the wills we share with those to whom we have particular connections. All of those things exist side by side and are separate domains of normative problems, and solutions, and resulting obligations.

#### [2] Doesn’t rely on practical reason, constitutivism, or action theory—it’s literally a completely separate syllogism. Only similarity is that they both agree freedom’s good, but that’s axiomatic.

### at: reductionism

#### [1] We have a singular will. We cannot will multiple contradictory maxims at the same time—that means our individuality is relevant vis-à-vis the process of end-setting.

#### [2] Practical identity—my framework proves we conceptualize ourselves as separate entities by placing ourselves under categories like student or debater. Proves a missing link in your framework—you may prove reductionism is ontologically most accurate, but not most explanatory vis-à-vis volitional agency.

#### [3] Noumenal vs phenomenal—your args prove empirical reality in itself necessitates reductionism, but that reality can only be understood after patterns of human thought are inserted onto it. Coherent identity is phenomenally accurate, which is the only thing that’s relevant.

### at: intent-foresight

#### There’s an intent-foresight distinction

Hegel (George Wilhelm Friedrich Hegel, *The Philosophy of Right*, 1820)

**The will has** before it **an outer reality**, upon which it operates. But to be able **to do this, it must have a representation of** this **reality**. True **responsibility** **is** **mine only** in **so far as the outer reality** **was within my consciousness**. The will, because this external matter is supplied to it, is finite; or rather because it is finite, the matter is supplied. When I think and will rationally, I am not at this standpoint of finitude, nor is the object I act upon something opposed to me. The finite always has limit and boundary. There stands opposed to me that which is other than I, something accidental and externally necessary; it may or may not fall into agreement with me. But I am only what relates to my freedom; and the act is the purport of my will only in so far as I am aware of it. Œdipus, who unwittingly slew his father, is not to be arraigned as a patricide. In the ancient laws, however, less value was attached to the subjective side of the act than is done to-day. Hence arose amongst the ancients asylums, where the fugitive from revenge might be received and protected. 118. **An act**, when it has become an external reality, and is connected with a varied outer necessity, has manifold consequences. These consequences, being the visible shape, whose soul is the end of action, belong to the act. But at the same time the inner act, **when realized** as an end **in the external world**, **is handed** over **to external forces, which attach** to it **something** quite **different from what it is in itself**, **and thus carry** it away into **strange** and **distant consequences. It is the right of the will to adopt only the first consequences, since they alone lie in the purpose.**

### at: act-omission

#### Act-omission distinction is necessary since otherwise there’d be infinite obligations. That’d mean we are always fulfilling an infinitely small percent of all our obligations, so it’d be impossible to take any moral action.

### at: lib

#### No warrant why your warrants apply to collective action—we can’t analyze the structure of the maxim since there’s no agential volition. *Even if lots of legislators vote for the policy, they don’t individually will it, since their vote alone would be insufficient.*

#### Absolute property rights actually legitimize coercion.

Julius (AJ Julius. Independent People)

**If property is to secure the right of strictly unilateral disposition over owned resources** that is now on offer as its distinctive rationale, then **your policy of refusing entry unless I work for you must constitute a determinate intention as to what will happen on this land that I’ve got** to take as given in deciding myself whether to go and what to do there. **Because you are bent on keeping me off the land unless I work it for you I can advance my own purpose if and only if I now resolve to grow your crop. Your settled action compels me to take up what had been**, before I faced this choice of yours, **an alien purpose.**

#### Absolutist conceptions of property are conceptually contradictory – any occupation of space would be a violation of “rights.”

Julius (AJ Julius. Independent People)

Think of the kind *occupying a space*. I’ll define this so that, for any small space and span of time, a person’s filling the space with her body during that span is an instance. **By occupying a space I hinder your entering it, or I hinder your staying there. My occupation hinders yours. This kind of action can’t be right**, then, **and the wrongness of your invading a space that I occupy is not to be explained by the fact that your invasion hinders my occupation of it.**

#### I control the internal link – until you resolve injustice, you cannot condemn redistribution as unethical.

Nozick ’74 (Nozick, Robert. Anarchy, State, and Utopia. New York: Basic, 1974. Print.)

According to the entitlement conception of justice in holdings that we have presented, there is no argument based upon the first two principles for distributive justice, the principles of acquisition and of transfer, for such a more extensive state. If the set of holdings is properly generated, there is no argument for a more extensive state based upon distributive justice. (Nor, we have claimed, will the Lockean proviso actually provide occasion for a more extensive state.) If, however, these principles are violated, the principle of rectification comes into play. Perhaps it is best to view some patterned principles of distributive justice as rough rules of thumb meant to approximate the general results of applying the principle of rectification of injustice. For example, lacking much historical information, and **assuming** (i) **that victims of injustice generally do worse** than they otherwise would **and** (2) that **those from the least well-off group** in the society **have the highest probabilities of being the (descendants of)** victims of the most **serious injustice** who are owed compensation by those who benefited from the injustices (assumed to be those better off, though sometimes the perpetrators will be others in the worst-off group), **then a rough rule of thumb for rectifying** injustices **might** seem to **be** the following: **organize society** so as **to maximize the position of** whatever group ends up **least well-off** in the society. This particular example may well be implausible, but **an important question for each society will be** the following: **given** **its** particular **history**, **what** operable **rule** of thumb **best approximates the results of a detailed application in** that society of the principle of **rectification?** These issues are very complex and are best left to a full treatment of the principle of rectification. **In the absence of such a treatment applied to a particular society, one cannot use the** analysis and **theory** presented here **to condemn a**ny particular **scheme of transfer payments, unless it is clear that no considerations of rectification of injustice could apply to justify it**. Although to introduce socialism as the punishment for our sins would be to go too far, past injustices might be so great as to make necessary in the short run a more extensive state in order to rectify them. (231

### --- at: arg ethics

#### 1. Argumentative ethics conflates liberty rights with claim rights.

Brennan 13 (Jason Brennan, “Hoppe’s Argumentation Ethics Argument Refuted in Under 60 Seconds, Dec 12 2013, http://bleedingheartlibertarians.com/2013/12/hoppes-argumentation-ethics-argument-refuted-in-under-60-seconds//FT)

**Begin with some terms from political philosophy:** **A *liberty right* is something that grants me permission to do something. A *claim right* is something that entails others have obligations**, responsibilities, or duties **toward me.** So, for instance, suppose you believe: “Everyone has the right to do whatever he pleases; no one has any duties to anyone else.” This sentence asserts that people have liberty rights to do anything, but have no claim rights at all. In contrast, take: “I have the right not to be taxed–the government shouldn’t take my money.” Here I assert a claim right to my money–I assert that government agents have duties not to take my money from me. So, to review, by definition: “X has a liberty right to do Y” means “It is morally permissible for X to Y.” “X has a claim right to do Y” means “Others have a duty not to interfere with X when he Ys.” You can have a liberty right without a claim right. So, for instance, Hobbes thinks in the state of nature we all have liberty rights to kill one another, but he doesn’t think we have claim rights not to be killed. **With that distinction, consider Hans Hermann-Hoppe’s argumentation ethics argument for libertarian self-ownership.** Hoppe claims that the act of trying to justify a theory that rejected libertarian self-ownership is a performative contradiction—the act presupposes the truth of libertarian self-ownership. As he explains in *The Economics and Ethics of Private Property*: *It must be considered the ultimate defeat for an ethical proposal if one can demonstrate that its content is logically incompatible with the proponent’s claim that its validity be ascertain- able by argumentative means. To demonstrate any such incompatibility would amount to an impossibility proof; and such proof would constitute the most deadly smash possible in the realm of intellectual inquiry … Such property right in one’s own body must be said to be justified a priori. For anyone who would try to justify any norm whatsoever would already have to presuppose an exclusive right to control over his body as a valid norm simply in order to say ‘I propose such and such’. And anyone disputing such right, then, would become caught up in a practical contradiction, since arguing so would already implicitly have to accept the very norm which he was disputing.* [See here for more.](https://mises.org/daily/5322/) **Okay, 60 seconds. Go!** For the sake of argument, on Hoppe’s behalf, grant that by saying “I propose such and such,” I take myself to have certain rights over myself. I take myself to have some sort of right to say, “I propose such and such.” I also take you to have some sort of right to control over your own mind and body, to control what you believe. (Nota bene: I don’t think Hoppe can even get this far, but I’m granting him this for the sake of argument.) But **all I need to avoid a performative contradiction here is for me to have a *liberty right* to say, “I propose such and such.” I need not presuppose I have a claim right** to say “I propose such and such.” Instead, at most, **I presuppose that it’s permissible for me to say, “I propose such and such”. I also at most presuppose that you have a liberty right to believe what I say. I do not need to presuppose that you have a claim right to believe what I say. However, libertarian self-ownership theory consists of claim rights. So, by saying, “I propose such and such,” at most I presuppose the permissibility** of my saying “I propose such and such” and of your believing “such such,” **but** I don’t presuppose **[not] that anyone or anything has any claim rights or duties at all. Hoppe’s argument illicitly conflates a liberty right with a claim right, and so fails**. **Q.E.D.** Since Hoppe’s argument is complete nonsense, it has other fatal flaws aside from the one I described above. For further refutation, see here:

#### 2. There are assumed premises that make their argument flawed

Carlin (JC Anarchy Theory, “Argumentation Ethics Overview,” http://jamescarlin.wikidot.com/critique-of-argumentation-ethics//FT)

To borrow a phase from Ayn Rand, "check your premises." Two hidden premises of A.E. are: premise 1: Argumentation Ethics is superior to other factors of human interaction. premise 2: The act of argumentation 'proves' one must always accept the particular collection of ethics as described by A.E. advocates. To quickly demonstrate the flaw, let's consider "showering ethics" premise 1: Showering Ethics is superior to all other factors of human interaction. premise 2: The act of showering 'proves' one must always accept the particular collection of ethics descriptive of showering. Showering and Argumentation are [is] merely two [a] momentary actions that people engage in for particular reasons, whereby each action has only limited implications. The mere momentary act of arguing or showering does not logically imply or conclude that one always accepts a particular set of ethics, beliefs, pursuits, and desires that are descriptive of or extrapolated from argumentation/showering. Further, this action has very limited implications on where any showering or arguing fits among other values, desires and pursuits.

#### 3. AE functions on flawed logic --- and there’s no impact to performative contradictions

Carlin (JC Anarchy Theory, “Argumentation Ethics Overview,” http://jamescarlin.wikidot.com/critique-of-argumentation-ethics//FT)

The prior flawed premises are often compounded by similarly flawed logic and debating styles. Returning to **[take] showering ethics [for]** : example: One engages in showering, therefore one values being clean. Because one values being clean, they value not being dirty. Therefore acts which cause a person to become dirty are undesirable. Therefore, who showers does not enjoy becoming dirty and covered in sweat. Therefore, a person who showers does not desire playing football. In nearly every A.E. proposition I have observed,I have noticed [there are] similar logic structures. The debater take a concept "Step A often suggests Step B" and restate it as "Step A always proves Step B." The flaw is subtle enough that it will often [to] go unnoticed by a casual observer. Further, I've noticed that an A.E. debater will often suggest "Persons who do action-A, but don't support-B are engaging in a performative contradiction" (a.k.a. hypocrisy). Perhaps when the showering results in fewer football games, I might take this statement seriously.

#### 4. Weighing – prefer my framework --- more risk of being true

Carlin (JC Anarchy Theory, “Argumentation Ethics Overview,” http://jamescarlin.wikidot.com/critique-of-argumentation-ethics//FT)

Similar to the diagram at the beginning of this article, **each step in an A.E. argument tends to introduce an increasingly large margin of error**. **When compounding multiple steps of "often true" statements, the accuracy diminishes at each step, which may eventually result in a complete falsehood** that resembles the following diagram:

### --- at: hoppe

#### 1. Fallacy of origin—just because it’s necessary doesn’t mean it’s good

#### 2. No impact to performative contradiction—terminal defense on fw

#### 3. Infinitely regressive—we need air to make arguments, but we don’t respect air

## k

### rob bad

#### Reject ROBs as impact filters—debate should be an open forum for students to defend their own approaches. You should have a very high threshold for disregarding the debated validity of my framework by just assuming their impact filter matters more. Debate is debate—role of the ballot arguments constantly appeal to debate’s telos without actually debating. On a util debate you wouldn’t say “prefer my analytics over their empirics because that’s most educational.”

### at: kant k

#### Kant Ks don’t link to the framework—they only relate to the anthropology he applied to practical reason and moral philosophy. Not only is his political philosophy distinct, it compelled him to revise his racist views.

Kleingeld 7 (Pauline Kleingeld, Professor at the University of Groningen, “KANT’S SECOND THOUGHTS ON RACE,” Philosophical Quarterly, 2007, <http://www.rug.nl/staff/pauline.kleingeld/kleingeld-kant-on-race-pq.pdf>)

**Kant radically revised his views on race during the 1790s.** He gives no indication of when or why he changed his views. **He makes no mention of a racial hierarchy anywhere in his published writings of the 1790s**, however, **and** what he does say about related issues **contradicts his earlier views on a racial hierarchy** and a plan of Nature designed to restrict human migration (after their initial dispersal across the globe). I ﬁrst discuss evidence for the thesis that Kant dropped his hierarchical view of the races, and then turn to the status of the concept of race as such in his later work. **In Toward Perpetual Peace and the Metaphysics of Morals, Kant clearly departs from his earlier position in a number of ways. First of all, he becomes more egalitarian with regard to race.**28 **He now grants a full juridical status to non-whites, a status irreconcilable with his earlier defence of slavery. For example, his concept of cosmopolitan right**, as introduced in Toward Perpetual Peace (: ), **explicitly prohibits the colonial conquest of foreign lands:** If one compares with this [viz the idea of cosmopolitan right] the inhospitable behaviour of the civilized states in our part of the world, especially the commercial ones, the injustice that the latter show when visiting foreign lands and peoples (which to them is one and the same as conquering those lands and peoples) takes on terrifying propor- tions. America, the negro countries, the Spice Islands, the Cape, etc., were at the time of their discovery lands that they regarded as belonging to no one, for the native inhabitants counted as nothing to them. **Any European settlement requires contractual agreement with the existing population**, says Kant, unless the settlement takes place so far from other people that there is no encroachment on anyone’s use of land. In the section on cosmopolitan right in the Metaphysics of Morals, **Kant speciﬁcally stipulates that such a contract should not take advantage of the ignorance of the in-habitants with regard to the terms of the contract** (MM : ), a stipulation which presupposes a concern not found in the 1780s texts. The very fact that Kant regards Native Americans, Africans and Asians as (equally) capable of signing contracts, and as persons whose interests and claims present a normative constraint on the behaviour of European powers, indicates a shift in perspective. After all, as long as Kant regarded slavery as appropriate for Native Americans and Africans, he did not con- sider their consent to be important at all. **The same can be said about the fact that he now defends hunting** and shepherding **peoples against en- croachment by Europeans, instead of highlighting their failure to develop agriculture** as he did earlier. **In the Metaphysics of Morals, Kant rejects con- sequentialist justiﬁcations for colonialism (the alleged ‘civilizing’ e**ﬀ**ects on the ‘savages’)** (MM : ). He also rejects the argument that the European colonists are justiﬁed in claiming ownership over foreign lands and their inhabitants by the fact they ‘establish a new civil union with them and bring these human beings (savages) into a rightful condition’. Instead, Kant main- tains that the latter have the right of ﬁrst possession, and that this right is violated by the European ownership claims (MM : ). Importantly, **Kant has now become unambiguously opposed to chattel slavery.** Robert Bernasconi has claimed that Kant was ‘silent on the slave trade in Africans’ and ‘failed to speak out against chattel slavery’, and that he is ‘aware of no direct statement by Kant calling for the abolition of either African slavery or the slave trade, even if only in principle’.29 Such state- ments do exist, however. In his notes for Toward Perpetual Peace (–), **Kant repeatedly and explicitly criticizes slavery of non-Europeans in the strongest terms, as a grave violation of cosmopolitan right** (: –). **He formulates a scathing critique of the conduct of European powers elsewhere in the world. He sharply criticizes ‘the civilized countries bordering the seas’, whom he accuses of recognizing no normative constraints in their behaviour towards people on other continents** and of regarding the ‘possess- ions and even the person of the stranger as a loot given to them by Nature’. **Kant censures the slave trade** (‘trade in Negroes’), not as an excessive form of an otherwise acceptable institution, but **as in itself a ‘violation’ of the cosmopolitan right of blacks** (: ). Similarly, he criticizes the fact that the inhabitants of America were treated as objects belonging to no one, and ‘were displaced or enslaved’ soon after Europeans reached the continent (: –). After having discussed European behaviour in Africa, America and Asia, he concludes (: ): The principles underlying the supposed lawfulness of appropriating newly discovered and purportedly barbaric or irreligious lands, as goods belonging to no one, without the consent of the inhabitants and even subjugating them as well, are absolutely contrary to cosmopolitan right. In the published version of Toward Perpetual Peace, Kant repeats this judge- ment. He criticizes the ‘very most gruesome and most calculated slavery’30 on the Sugar Islands (PP : ). In the Metaphysics of Morals too (MM : , , ), he categorically and repeatedly condemns chattel slavery.31 **These passages show that Kant changed his earlier views on the status of non-whites. The oft-defended thesis that Kant’s racism remained constant thus needs correction, and one should not use evidence from the 1780s in support of claims about his views in the 1790s.** For example, his statements from the mid-1790s contradict the view that the role of the ‘idle races’ in Kant’s cosmopolitan theory was merely that of a contrast against which Europeans could measure their own progress,32 as well as the view that for Kant, the non-white races counted as a ‘waste’ of nature.33 These inter- pretations are based on Kant’s earlier texts, and therefore they are at most defensible as interpretations of his earlier views, not of his later views on the races. **Kant not only became more egalitarian with regard to race, he also revised his view of the role of race in connection with intercontinental migration.** In some of his earlier writings he called racial diﬀerentiation ‘necessary’ for the preservation of the species during its initial dispersal across the globe (DCHR : ), and claimed that Nature discouraged sub- sequent migrations. As Mark Larrimore has shown, however, these claims were in tension with Kant’s repeated declarations, often in the same writings, that whites are able to live anywhere on earth,34 for they imply that racial diﬀerentiation (or, more precisely, the development of non-whites) is not really necessary for the preservation of the species after all. Kant’s later position simply does not attribute any special role to racial diﬀerentiation (let alone racial hierarchy) for the purpose of global migration. In his 1795 description of what Nature has done to enable humans to live everywhere on earth, Kant omits any mention of predispositions for diﬀer- ent races (PP : –). He now claims that Nature has organized the earth in such a way that humans can and will live everywhere, and that they will eventually use the surface of the earth for interacting peacefully (PP : ). The new category of cosmopolitan right, introduced in Toward Perpetual Peace, is premised on increasing and continuing movement and interaction across borders. He concludes his exposition of cosmopolitan right (which includes his critique of colonialism and slavery) with the hope that In this way, remote parts of the world can establish relations peacefully with one another, relations which ultimately become regulated by public laws and can thus ﬁnally bring the human species ever closer to a cosmopolitan constitution (PP : ). Instead of his earlier claim that blacks and Native Americans cannot govern themselves (: ) and that Europe ‘will probably eventually legislate for all other continents’ (IUH : ), Kant now envisages a world in which people of diﬀerent colours and on diﬀerent continents establish peaceful relations with each other that honour the normative principles laid down in his exposition of cosmopolitan right. **Finally, Kant’s ascription of mental characteristics to the di**ﬀ**erent races has changed. For example, he ascribes the ideal of military courage equally to Native Americans and mediaeval European knights** (PP : ). **This stands in marked contrast with his earlier insistence on the weakness and inertia of Native Americans**.

### --- at: reason bad

#### Objections about the oppressiveness of reason miss the point and concede the validity of deontic theory.

Allen Wood [professor at Stanford]. Kantian Ethics

**The gender and color of “reason.”** To be taken more seriously are those criticisms of reason which take the form of claiming that the traditional notion of reason, in both philosophy and culture, is gendered (masculine) or ethnically biased (in favor of imperialist Europeans). Just as for Darcy ‘reason’ refers to the deliverances of his class prejudices, so **it can be true** for a lot of our culture, and also for even its greatest philosophers, **that what is taken to be “rational” is** systematically **determined by social ideologies and traditions**, so that “rational nature” may take on for them the characteristics of their culture, or gender or class, and related notions like ‘universal law’ come to express some invidious particularism. In the previous section we have even seen some solid grounds for raising questions of this kind about Kant himself. **The crucial point**, however, **is that notions like ‘reason’ and ‘universal validity’ could not play this ideological role if they did not** *also, and* ***more fundamentally***, **refer to the human capacity that enables people** (often only gradually and painfully) **to criticize their false conceptions** (including their false conceptions of reason itself). For it is **only by appealing to the critical capacity of reason** (**which we** ourselves **presuppose even in criticizing the** “gendered” or **“colored” character** of “reason” in philosophy or in other areas of life) **that the ideologies are capable of mystifying**, deceiving, **and passing off one thing for another**. If Kantians use standards of “reason” that are biased in such ways, then that is a legitimate issue, to be settled on the merits of each case where the charge is brought. It cannot be settled either way by the fact that Immanuel Kant was a white Prussian male. (This fact no doubt arouses legitimate suspicion on some topics, given Kant’s prejudiced views about women and nonwhites; but to use it as an *argument* is only to display yet another prejudice.) **The human critical and self-directive capacity is the only legitimate referent** of ‘reason’ **in Kantian ethics**, **especially when** it comes to the task of **separating Kant’s errors**, or the prejudices of his time or his personality, **from the philosophical principles** on **which we are grounding ethical theory**. For Kant, what we say about (or with the pretended authority of) reason is always fallible, subject to critical scrutiny, and to be tested through free and open communication with others (KrV A xi and note, A 738–57/B766– 85, O 8:144–6). It is therefore important, especially while criticizing Kant, always to recognize that we ourselves may be just as subject to errors and prejudices as Kant was. This, once again, is why feeling superior to him is an even more dangerous error than blindly following him, because it is the error to which we are more likely to succumb.

### --- at: gordon

#### Gordon’s method is bad

Farr [Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.]

The above criticism of Kant by **Gordon oversimpliﬁes Kant’s position.** Gordon’s criticism is based on the possibility that one can hate humanity yet still act out of duty towards humanity. This is true. I do not have to care about a person to treat him in a way that is demanded by the moral law. The result, it seems, is love for some abstract idea of humanity and no love for concrete individual people. **This criticism**, however, is a bit misguided. It **imposes on the categorical imperative a binary opposition between concrete and abstract humanity. The real opposition**, or better yet, apposition **is between subjective and objective maxims.** What is generally taken to be abstract in Kant’s moral philosophy is its emphasis on objectivity. **But** this emphasis on **objectivity is not an attempt to dismiss concrete humanity, but** rather **to include humanity** in general **in** our **moral decision-making** processes.

### farr

#### Abstraction is great.

Farr ’02

Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32. JDN.

Whereas most criticisms are aimed at the formulation of universal law and the formula of autonomy, our analysis here will focus on the formula of an end in itself and the formula of the kingdom of ends, since we have already addressed the problem of universality. The latter will be discussed ﬁrst. At issue here is what Kant means by “kingdom of ends.” Kant writes: “By ‘kingdom’ I understand a systematic union of different rational beings through common laws.”32 The above passage indicates that Kant recognizes different, perhaps different kinds, of rational beings; however, the problem for most critics of Kant lies in the assumption that Kant suggests that the “kingdom of ends” requires that we abstract from personal differences and content of private ends. The Kantian conception of rational beings requires such an abstraction. **Some feminists and philosophers of race have found this abstract notion of rational beings problematic because they take it to mean that rationality is necessarily white, male, and European.**33 Hence, the systematic union of rational beings can mean only the systematic union of white, European males. **I ﬁnd this interpretation of Kant’s moral theory quite puzzling.** Surely another interpretation is available. That is, the implication that in Kant’s philosophy, rationality can only apply to white, European males does not seem to be the only alternative. The problem seems to lie in the requirement of abstraction. **There are two ways of looking at the abstraction requirement that I think are faithful to Kant’s text and that overcome the criticisms of this requirement. First, the abstraction requirement may be best understood as a demand for intersubjectivity or recognition. Second, it may be understood as an attempt to avoid ethical egoism in determining maxims for our actions.** It is unfortunate that Kant never worked out a theory of intersubjectivity, as did his successors Fichte and Hegel. However, this is not to say that there is not in Kant’s philosophy a tacit theory of intersubjectivity or recognition. **The abstraction requirement simply demands that in the midst of our concrete differences we recognize ourselves in the other and the other in ourselves.** That is, **we recognize in others the humanity that we have in common.** Recognition of our common humanity is at the same time recognition of rationality in the other. We recognize in the other the capacity for selfdetermination and the capacity to legislate for a kingdom of ends. This brings us to the second interpretation of the abstraction requirement. **To avoid ethical egoism one must abstract from** (think beyond) **one’s own personal interest** and subjective maxims. That is, the categorical imperative requires that I recognize that I am a member of the realm of rational beings. **Hence, I organize my maxims in consideration of other rational beings.** Under such a principle other people cannot be treated merely as a means for my end but must be treated as ends in themselves. **The merit of the categorical imperative for a philosophy of race is that it contravenes racist ideology to the extent that racist ideology is based on the use of persons of a different race as a means to an end rather than as ends in themselves.** Embedded in the formulation of an end in itself and the formula of the kingdom of ends is the recognition of the common hope for humanity. That is, maxims ought to be chosen on the basis of an ideal, a hope for the amelioration of humanity. This ideal or ethical commonwealth (as Kant calls it in the Religion) is the kingdom of ends.34 Although the merits of Kant’s moral theory may be recognizable at this point, we are still in a bit of a bind. It still seems problematic that the moral theory of a racist is essentially an antiracist theory. Further, what shall we do with Henry Louis Gates’s suggestion that we use the Observations on the Feeling of the Beautiful and Sublime to deconstruct the Grounding? What I have tried to suggest is that **instead of abandoning the categorical imperative we should attempt to deepen our understanding of it and its place in Kant’s critical philosophy.** A deeper reading of the Grounding and Kant’s philosophy in general may produce the deconstruction35 suggested by Gates. However, a text is not necessarily deconstructed by reading it against another. Texts often deconstruct themselves if read properly. To be sure, the best way to understand a text is to read it in context. **Hence, if the Grounding is read within the context of the critical philosophy, the tools for a deconstruction of the text are provided by its context and the tensions within the text.** Gates is right to suggest that the Grounding must be deconstructed. However, this deconstruction requires much more than reading the Observations on the Feeling of the Beautiful and Sublime against the Grounding. It requires a complete engagement with the critical philosophy. Such an engagement discloses some of Kant’s very signiﬁcant claims about humanity and the practical role of reason. With this disclosure, deconstruction of the Grounding can begin. **What deconstruction will reveal is not necessarily the inconsistency of Kant’s moral philosophy or the racist or sexist nature of the categorical imperative, but rather**, it will disclose **the disunity between Kant’s theory and his own feelings about blacks and women. Although the theory is consistent and emancipatory and should apply to all persons, Kant the man has his own personal** and moral **problems. Although Kant’s attitude toward people of African descent was deplorable, it would be equally deplorable to reject the categorical imperative without ﬁrst exploring its emancipatory potential.**

#### The Kantian subject is the embodied subject.

Farr ’02

Arnold Farr (prof of phil @ UKentucky, focusing on German idealism, philosophy of race, postmodernism, psychoanalysis, and liberation philosophy). “Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?” JOURNAL of SOCIAL PHILOSOPHY, Vol. 33 No. 1, Spring 2002, 17–32.

**One of the most popular criticisms of Kant’s moral philosophy is that it is too formalistic.**13 **That is, the universal nature of the categorical imperative leaves it devoid of content.** Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddedness of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that **although a distinction between the universal and the concrete is a valid distinction, the unity of the two is required for an understanding of human agency.** The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. **Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims** in the Critique of Pure Reason as well as in the Grounding **that human beings have an intelligible and empirical character.**15 **It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two.** By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. **The very fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something, or else I behave like a Freudian id. My empirical character must be held in check by my intelligible character, which is** the legislative activity of **practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality** that is **constructed by the moral agent in his/her moment of self-transcendence.** What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally signiﬁcant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other selves, and hence the possibility (not, note, the reality) of a moral community. **The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.**16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individual think beyond his or her own particular desires. **The individual is not allowed to exclude others as rational moral agents** who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. **Hence, the universalizability criterion is a principle of consistency and a principle of inclusion.** That is, **in choosing my maxims I attempt to include the perspective of other moral agents.**

### wood

#### The problem cannot be with abstract universal norms. You assume the objective badness of your impacts, and even the a priori legitimacy of the acquisition of your laptop. Proves abstract ideals are inevitable so it’s try or die to make them as best as possible. You have no alt.

#### This outweighs—problems with ethical theories stem from the nature of us, not moral phil.

Wood [Kantian Ethics ALLEN W. WOOD Stanford University]

There is no plausibility at all, for example, in the suggestion that such Kantian principles as human equality, rationalism, universalism, and cosmopolitanism are [not] in their content favorable to racism, sexism, or other forms of oppression, and such a thesis needs only to be stated explicitly to discredit itself. But this highly implausible thesis may be put forward by implication if it can be associated with the quite distinct but correct point that *even* a cosmopolitan and universalistic ethical theory, such as Kant’s, can be combined with racist or male-supremacist views in its application. It is also true that [these principles] egalitarianism, rationalism, universalism, and cosmopolitanism are especially liable to rhetorical abuse by those who advocate policies in direct violation of them, because subscribing to the correct principles at an abstract level is often enough a shabby ploy used to protect contrary policies from criticism. The thought that this point has any ***philosophical*** significance, however, rests on an error of abysmal proportions about philosophy and its relation to human practices. If someone thinks there is a philosophical theory of morality whose uncritical adoption and mechanical application would suffice to protect us from evil,then that person is looking for something that could never exist. The correct standard for an ethical theory is whether it [is] gets things right at the level of basic principles and values, not whether it contains some magical property that protects us, in the application of the theory, from every perversion or abuse through the influence of tradition and prejudice or the infinite human ingenuity of rationalization. All theories are about equally subject to such abuse, and no theory is immune to it. In fact, if we [To] think that the adoption of a certain philosophical theory, or a certain set of religious dogmas, will protect us from all moral error, that way of thinking itself is extremely dangerous, quite irrespective of the content of the theory or dogma with which we associate it. That thought itself is actually responsible for a lot of the evil that people do**.**

### ideal theory good

#### Ideal theory provides a fixed goal.

Swift ’12: (Adam Swift, British Poliicla Philosopher, Oxford University “Ideal and Nonideal Theory” Oxford Handbooks Online. June 2012. FT)

Suppose our ideal theory correctly identifies the long-term goal we want to achieve. We know from Rawls that this goal is realistic, in the sense that it is achievable, if only in the long, perhaps very long, run. As he says, ideal theory probes “the limits of practicable political possibility” (2001, 4, 13). Why would knowing this long-term goal be irrelevant to us here and now? It would be irrelevant if we were simply not interested in long-term goals, but this seems implausible. Or it would be irrelevant if we had reason to believe that all roads led, equally quickly and efficiently, to the long-term goal. But, for any given long-term goal, it seems very unlikely that it would be equally well pursued by all incremental short-term reforms. And in any case, how could we have reason to believe that all roads led to it if we had not yet identified what the long-term goal was? As A. J. Simmons (2010) has argued, without knowing [it] our long term goal, a course of action that might appear to advance justice, and might indeed constitute a short-term improvement with respect to justice, might nonetheless make less likely, or perhaps even impossible, achievement of the long-term goal. There is, then, some ambiguity in what it means for a reform to constitute an improvement with respect to, or progress toward, the ideal. In mountaineering, the climber who myopically tak[ing]es immediate gains in height wherever she can is less likely to reach the summit than the one who plans her route carefully. The immediate gains do indeed take her higher—with respect to altitude she is closer to the top—but they may also be taking her away from her goal. The same is true of normative ideals. To eliminate an injustice in the world is surely to make the world more just, but it could also be to take us further away from, not closer toward, the achievement of a just society. Rawls, as we have seen, sees ideal theory as having [has] both a “target” role and an “urgency” role, each of which can guide us when we engage in nonideal theory: It tells us where we are trying to get to in the long run, but it also informs our justice-promoting attempts here and now by providing the basis on which to evaluate the relative importance or urgency of the various ways in which the world deviates from the ideal. Even if Sen is right that we do not need ideal theory to do the latter, Simmons is right that we do need it for the former.

#### Ideal theory is in no way incompatible with a radical agenda—broad principles can inspire broad sweeping change and allow previously-excluded groups to claim political agency.

Holmstrom [Holmstrom, Nancy [Prof. Emeritus @ Rutgers]. "Response to Charles Mills's." Radical Philosophy Review 15.2 (2012): 325-330.]

We have to speak to people where they are, he says, and that means appealing to core values of liberalism: individualism, equal rights and moral egalitarianism. Against what he calls the conventional wisdom among radi- cals, he argues that there is no inherent incompatibility between these values and a radical agenda. If these values are suitably interpreted, I think he is absolutely right. Over two hundred years ago, Mary Wollstonecraft and Toussaint Louverture took the abstract universalistic principles of the French Revolution and extended them to groups they were intended to exclude. Gradually and incompletely women and blacks and landless men have achieved the democratic rights promised to all (in words) by the anti-feudal revolution. So I agree with Charles that such universalistic principles have great value; even if usually applied in self-serving ways, they have a deeply radical potential and it would be foolish of radicals to reject them, any more than we should reject all of the technological developments of the Indus- trial Revolution which also developed with the rise of capitalism. in fact, few American radicals have rejected these aspects of liberalism in their politi- cal practice but have been their strongest champions since the Revolution; socialists of all kinds helped to build the labor and civil rights movements.‘

### metaethics solve extinction

#### We assume consequences matter, which means it’s try or die for meta-ethics debate—it solves extinction of the entire galaxy.

Muehlhauser 11

Muehlhauser, Luke (Executive director at the Singularity Institute). “The Urgent Meta-Ethics of Friendly Artificial Intelligence.” LessWrong. 01 February 2011. JDN. http://lesswrong.com/lw/43v/the\_urgent\_metaethics\_of\_friendly\_artificial/

Barring a major collapse of human civilization (due to nuclear war, asteroid impact, etc.), **many experts expect the intelligence explosion Singularity to occur within 50-200 years. That fact means that many philosophical problems, about which philosophers have argued for millennia, are suddenly very urgent.** Those concerned with the fate of the galaxy must say to the philosophers: "Too slow! Stop screwing around with transcendental ethics and qualitative epistemologies! Start thinking with the precision of an AI researcher and solve these problems!" **If** a near-future **AI will determine the fate of the galaxy, we need to figure out what values** we ought **to give it.** Should it ensure animal welfare? Is growing the human population a good thing? But those are questions of applied ethics. More fundamental are the questions about which normative ethics to give the AI: How would the AI decide if animal welfare or large human populations were good? What rulebook should it use to answer novel moral questions that arise in the future? **But even more fundamental are the questions of meta-ethics. What do moral terms mean? Do moral facts exist? What justifies one normative rulebook over the other? The answers to these meta-ethical questions will determine the answers to the questions of normative ethics, which, if we are successful in planning the intelligence explosion, will determine the fate of the galaxy.** Eliezer Yudkowsky has put forward one meta-ethical theory, which informs his plan for Friendly AI: Coherent Extrapolated Volition. But what if that meta-ethical theory is wrong? The galaxy is at stake. Princeton philosopher Richard Chappell worries about how Eliezer's meta-ethical theory depends on rigid designation, which in this context may amount to something like a semantic "trick." Previously and independently, an Oxford philosopher expressed the same worry to me in private. Eliezer's theory also employs something like the method of reflective equilibrium, about which there are many grave concerns from Eliezer's fellow naturalists, including Richard Brandt, Richard Hare, Robert Cummins, Stephen Stich, and others. My point is not to beat up on Eliezer's meta-ethical views. I don't even know if they're wrong. Eliezer is wickedly smart. He is highly trained in the skills of overcoming biases and properly proportioning beliefs to the evidence. He thinks with the precision of an AI researcher. In my opinion, that gives him large advantages over most philosophers. When Eliezer states and defends a particular view, I take that as significant Bayesian evidence for reforming my beliefs. Rather, my point is that **we need lots of smart people working on these meta-ethical questions. We need to solve these problems, and quickly. The universe will not wait for the pace of traditional philosophy to catch up.**

## misc

### noise

#### Even if words can’t coerce, noise can.

Varden 10 [Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech>] AG

Third, speech must be distinguished from uses of words that debilitate others in virtue of their causal effect on their bodies. After all, words are communicated by means of sound waves, which exist in space and time and hence can have coercive power in relation to our bodies. For example, I believe that this account affirms the view that if your words debilitate another’s physical functioning, whether intentionally or unintentionally, there is private wrongdoing. If you standing on the edge of a cliff, and I sneak up behind you and say ‘Boo!’, I am responsible for the consequences. In this case, it is the effect of the noise on your body, say the surprise or that you are startled, rather than the word (‘boo’) that hinders your external freedom, namely by hindering your choice to stay on the edge of the cliff. In the same vein, playing Herbjørg Kråkevik’s latest album extremely loudly out the windows of my house night and day – say, to enlighten my ignorant neighbors as to the benefits of listening to contemporary Norwegian folk music – has the debilitating effect that those close by cannot concentrate on work, relax or sleep. Ultimately, the extremely loud music will result in their inability to function physically. Therefore, also in this case my speech clearly deprives others of what is theirs, namely the functioning of their bodies due to the stress created by being subject to constant high levels of noise. Nevertheless, it is not the words or their content that constitutes my wrongdoing, but the noise. The point is that when such acts significantly affect each other’s physical ability to set and pursue ends with our respective means, they are coercive; such actions hinder others’ external freedom.2 And note that this is fully consistent with Kant’s general claim that speech as such is not a private wrong since the wrongdoing involved in the three cases above arises from the fact that there is more than speech going on.

### defamation + holocaust denial

#### Defamation is coercion.

Varden 10 [Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech>] AG

What about defamation, how does it involve coercion? Attempts at defamation also constitute attempts non-consensually to deprive others of what is theirs, namely their good reputations as determined by their actions. Corresponding to a person’s innate right to freedom, Kant argues, is that person’s duty to “Be an honourable human being… Rightful honour… consists in asserting one’s worth as a human being in relation to others” (6: 236). To defend one’s rightful honor is to defend one’s right to be recognized by others solely by the deeds one has performed. Indeed, one’s reputation, Kant explains, “is an innate external belonging” (6: 295); it can originally belong only to the person whose deeds are in question. If others spread falsehoods about the life she has lived, then she has the right and duty to challenge their lies publicly, for her reputation belongs only to her and to no one else. A person’s reputation is not a means subject to other people’s choice; it is not a means others have a right to manipulate in order to pursue their own ends. To permit this, Kant argues, would be to permit others to use your person as their own means, or to “make yourself a mere means for others” rather than also being “at the same time an end for them” (6: 236).

#### This applies to things like Holocaust denial.

Varden 10 [Helga Varden, Associate Professor of Philosophy and Associate Professor of Gender and Women's Studies @ U of Illinois, 5-22-2010, Academia.edu, <https://www.academia.edu/2006079/A_Kantian_Conception_of_Free_Speech>] AG

Let me say briefly how this account of rightful honor analyzes cases like Holocaust-denial. Part of what makes denying the Holocaust different from other types of defamation is that it involves people who are no longer alive. On the Kantian approach I am advancing, one’s reputation is seen as intimately connected with how one has interacted normatively with others (6: 291). To interact normatively is to be capable of normativity or capable of interacting qua ‘noumena’, as Kant says, and not merely ‘qua phenomena’ or as embodied beings governed by laws of nature. It is qua noumena that we are capable of deeds or of having actions imputed to us. And it is qua noumena that we can still be defamed long after we are dead.3 Because right tracks normative relations, that one is no longer alive is beside the point. What is more, anyone – “relatives or strangers” – can challenge the lies told by another on behalf of the dead. Indeed, the one challenging the defamation does so in virtue of her own duty to ensure the conditions under which we can have rightful honor (6: 295). The reason is that those who spread such lies do not only express an unwillingness to respect those they defame in particular, but also they display a general unwillingness to interact in a way compatible with the rightful honor of everyone. The absence of defamation is necessary for public opinion to be reconcilable with each person’s right to freedom and the corresponding duty to be an honorable being. By defaming the dead, a person aims to falsify the public opinion, upon which everyone is dependent for rightful honor. Consequently, every member of the public has a right to challenge such lies on behalf of the dead.